

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT LEE DEFOY,

Petitioner

V.

Superintendent JOHN M. McCULLOUGH,
Att. General D. MICHAEL FISHER,
PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,

Respondents

CA. No. 00-110 Erie
District Judge McLaughlin
Magistrate Judge Baxter

**REQUEST FOR ISSUANCE OF SUBPOENAS AND PAYMENT OF WITNESS FEES
PURSUANT TO 28 U.S.C. § 1825(b) AND RULE 30 OF THE FEDERAL RULES OF
CIVIL PROCEDURE**

AND NOW comes the Petitioner, Robert Lee DeFoy, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully asks this Honorable Court for an order permitting an authorized representative of the Federal Public Defender to issue and serve the subpoenas on the people listed in the attached schedule.

1. The Petitioner, Robert DeFoy is indigent, and on January 10, 2001, Magistrate Judge Susan Paradise Baxter appointed the Federal Public Defenders Office to represent him in these proceedings.

2. Following a status conference held March 15, 2005, Magistrate Baxter granted Petitioner's request for discovery. On April 8, 2005, Petitioner requested discovery from Respondents, including depositions of certain individuals.

3. Title 28 U.S.C. §1825(b) provides that in proceedings in forma pauperis for a writ of habeas corpus, the United States marshal for the district shall pay, on certificate from the Court, all fees associated with the taking of depositions, including mileage and witness fees, transcription and reporting fees.

4. Because Mr. DeFoy has been found indigent by this Court and lacks income to pay the costs of travel for the witnesses and other deposition fees, the Petitioner requests that these costs be borne by the government.

DATED: November 1, 2006

Respectfully submitted,

/s/ Thomas W. Patton
Thomas W. Patton
Assistant Federal Public Defender

SCHEDULE OF SUBPOENAS

To appear November 9, 2006 at Pennsylvania Board of Probation and Parole, Suite 5100, 1101 South Front Street, Harrisburg, PA:

2:00 p.m.	-	Benjamin Martinez
4:00 p.m.	-	Nicholas Mueller (via telephone)